

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

_____)	
INTRACOMM, INC. et al.)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 05-0955
)	
)	
KEN S. BAJAJ et al.)	
)	
Defendants.)	
_____)	

ORDER

This matter comes before the Court on Defendants' Motion to Dismiss.

It appears to the Court that Plaintiffs' Complaint states a claim upon which relief may be granted in Counts 1-3 and 6-8. However, Counts 4 and 5 do not state a claim for fraud with particularity as required by FED. R. CIV. P. 9. It is hereby

ORDERED that Defendants' Motion to Dismiss Counts 1-3 and 6-8 is DENIED and Defendants' Motion to Dismiss Counts 4 and 5 is GRANTED but that Plaintiffs have 14 days to refile Counts 4 and 5 in compliance with FED. R. CIV. P. 9.

/S/

CLAUDE M. HILTON
UNITED STATES DISTRICT JUDGE

Alexandria, Virginia
September 19, 2005

